

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
v. )  
DANIEL TUNNELL, )  
Defendant. )  
\_\_\_\_\_  
)

Criminal No. 05cr10168-DPW

**DEFENDANT'S ASSENTED TO MOTION  
TO MODIFY CONDITIONS OF RELEASE**

The defendant, Daniel Tunnell (“Tunnell”), hereby moves to modify his conditions of release to (1) permit him to travel to Israel between February 3 and February 8 for a series of business meetings; (2) permit him to regain possession of his passport; and (3) permit him to take future business trips, domestic and international, as long as he provides Pretrial Services with the details of his itinerary at least 48 hours prior to his departure. As grounds for this Motion, Tunnell states as follows:

1. Tunnell was released on personal recognizance following his plea of guilty to a charge of subscribing to a false tax return on August 24, 2005.
  2. Tunnell was required to surrender his passport by August 26, and complied with that requirement.
  3. Tunnell is married, has a small child, and lives near Atlanta, Georgia. He has complied with all conditions of release, and does not present a risk of flight.
  4. Tunnell is employed by TriRiga as a sales executive, and is required to attend meetings in Tel Aviv, Israel with a company called Finjan. Tunnell would leave the United States on February 3, and return on February 8.

5. On November 28, 2005, the Court allowed a motion permitting Tunnell to regain temporary possession of his passport so that he might travel to Israel for a brief business trip. Tunnell returned to his home at the end of that trip, and returned his passport to Pretrial Services.

6. Tunnell anticipates that he will be required to take additional international business trips between now and May 23, the scheduled date of sentencing. Allowing this Motion will enable him to take those trips and retain his employment, thereby enhancing his ability to pay restitution to the Internal Revenue Service.

7. This request has been discussed with the U.S. Pretrial Services Officer September Brown.

8. Assistant U.S. Attorney Adam Bookbinder assents to this Motion.

Respectfully submitted,

DANIEL TUNNELL,  
By his attorney,

/s/ Mark W. Pearlstein  
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Dated: January 10, 2006